

ORDINANCE NO. 580

AN ORDINANCE SUBMITTING TO THE VOTERS OF THE CITY OF LAS ANIMAS, COLORADO AT THE ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 1996, A QUESTION AS TO THE FUNDING OF IMPROVEMENTS TO THE CITY SEWER SYSTEM WITH AN INCREASE IN THE DEBT OF THE CITY OF LAS ANIMAS, COLORADO UP TO \$1,070,000.00 WITH A REPAYMENT COST OF APPROXIMATELY \$1,800,000.00, PAYABLE FROM THE PROCEEDS FROM THE SEWER ENTERPRISE FUND AND THE GENERAL FUND, AS WELL AS PAYMENTS TO BE SECURED THROUGH A GENERAL OBLIGATION BOND ISSUE, WHICH AUTHORIZATION SHALL INCLUDE AUTHORITY TO REFUND SUCH BONDS AND REFUNDING BONDS WITHOUT ADDITIONAL VOTER APPROVAL; THEREAFTER THE ISSUANCE OF SAID BONDS IN AN AGGREGATE AMOUNT OF \$1,070,000.00, IN ONE OR MORE SERIES TO BE USED IN CAPITAL IMPROVEMENTS INCLUDING ACQUISITION OF INTERESTS IN REAL PROPERTY, PERSONAL PROPERTY AND ACCESS THERETO, WATER RIGHTS, AND IMPROVEMENTS UPON SAID REAL PROPERTY, AND OTHER COSTS ASSOCIATED THEREWITH, AND FOR PORTIONS THEREOF TO BE PLEDGED FOR THE REPAYMENT OF THE BOND UPON SUCH TERMS AS THE CITY COUNCIL OF THE CITY OF LAS ANIMAS MAY PROVIDE, AND TO ACCEPT A STATE GRANT OF \$500,000.00 IN CONJUNCTION THEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAS ANIMAS, COLORADO:

SECTION 1. At the regular municipal election to be held in the various precincts and at the polling places of the City of Las Animas on Tuesday, November 5, 1996, between the hours of 7:00 a.m. and 7:00 p.m., there shall be submitted to the voters of the city an ordinance which become effective January 1, 1997. The full text of the ordinance to be submitted is set forth as follows:

That the City Council of the City of Las Animas is hereby authorized to issue bonds in the amount of \$1,070,000.00 for a period of twenty years, with a payment at the rate of 4.5% per interest, or an interest rate as determined by agreement of the City Council of the City of Las Animas and the bond holders, together with a \$500,000.00 grant from the State of Colorado for purposes of the construction of an aerated treatment facility for use of the citizens of the City of Las Animas. Said debt shall be evidenced by general obligation bonds issued by the City of Las Animas in the aggregate amount of \$1,070,000.00 with a repayment cost of approximately \$1,800,000.00 payable from the proceeds from the Sewer Enterprise Fund, as well as proceeds from the General Fund, and that the City Council shall have authority to refund such bonds and refunding bonds without additional voter approval; and the City of Las Animas shall be authorized to receive and spend the full revenue generated by the Bond Issue and the

proceeds of said bonds, during the year 1996 and any subsequent year thereafter, without limitation or condition, and without limiting in any year the amount of other revenues that may be collected by the Sewer Fund or the General Fund and spent by the City of Las Animas in the retirement of the bonds; provided that said bonds may be expended for purposes associated with capital improvements including the acquisition of interests in real estate, personal property and access thereto, water rights and improvements thereon and other costs associated therewith for the City Sewer aeration system, and to deposit a portion of said bonds to be pledged for the repayment of said bonds, such terms and conditions as the City Council of the City of Las Animas may provide; with authorization to the City Council to refund said bonds and refunding bonds without additional voter approval, and further, authorizing the City Council to budget and appropriate such revenues, proceeds and expenditures apart from any other expenditure which may be limited pursuant to Article X, Section 20 of the Colorado Constitution and the revenues and proceeds authorized for the collection, retention receipt and expenditure by this measure shall not be counted in any such fiscal, spending or expenditure limitation.

SECTION 2. It is the intention of the qualified electors of the City of Las Animas that this ordinance, and any part or provision hereof, shall be considered severable; any invalidity of any part, section, provision, clause, sentence, or fragment of this ordinance will not affect the validity of any other portion of this ordinance; the qualified electors would have adopted the provisions of this ordinance, or any part or provision hereof, regardless of the validity of any part, section, provision, clause, sentence, or fragment hereof.

SECTION 3. The official ballot and the official absentee ballot shall state the substance of the measure and so state shall constitute the ballot title, designation, and submission clause, and each qualified elector voting at the election shall indicate his or her choice on the measure submitted, which shall be as follows:

A QUESTION AS TO THE FUNDING OF IMPROVEMENTS TO THE CITY SEWER SYSTEM BY AN INCREASE IN THE DEBT OF THE CITY OF LAS ANIMAS UP TO \$1,070,000.00 WITH A REPAYMENT COST OF APPROXIMATELY \$1,800,000.00, PAYABLE FROM THE PROCEEDS FROM THE SEWER ENTERPRISE FUND AND THE GENERAL FUND, AS WELL AS PAYMENTS TO BE SECURED THROUGH A GENERAL OBLIGATION BOND ISSUE, WHICH AUTHORIZATION SHALL INCLUDE AUTHORITY TO REFUND SUCH BONDS AND REFUNDING BONDS WITHOUT ADDITIONAL VOTER APPROVAL; THEREAFTER THE ISSUANCE OF SAID BONDS IN AN AGGREGATE AMOUNT OF \$1,070,000.00, IN ONE OR MORE SERIES TO BE USED IN CAPITAL IMPROVEMENTS INCLUDING ACQUISITION OF INTERESTS IN REAL PROPERTY, PERSONAL PROPERTY AND ACCESS THERETO, WATER RIGHTS, AND IMPROVEMENTS UPON SAID REAL PROPERTY AND OTHER COSTS

ASSOCIATED THEREWITH FOR THE CITY SEWER AERATION SYSTEM, AND FOR PORTIONS THEREOF TO BE PLEDGED FOR THE REPAYMENT OF THE BOND UPON SUCH TERMS AS THE CITY COUNCIL OF THE CITY OF LAS ANIMAS MAY PROVIDE; AND TO ACCEPT A STATE GRANT OF \$500,000.00 IN CONJUNCTION THEREWITH.

FOR THE MEASURE \_\_\_\_\_ AGAINST THE MEASURE \_\_\_\_\_

SECTION 4. If a majority of all the votes cast at the election on the measure shall be for the measure, the measure and the related ordinance shall be deemed to have passed.

SECTION 5. The election shall be conducted under provisions of the State Law and ordinances of the City.

SECTION 6. The City Clerk of the City of Las Animas shall give, or cause to be the given, public notice of the election on such measure:

(a) By causing notice to be published in the Bent County Democrat, a daily newspaper of general circulation and published in the city, three times, a week apart, the first publication to be at least twenty days before election day; and

(b) By mailing to "All Registered Voters" at each address within the city at which a voter is registered no sooner than twenty-five days before the election, and no later than fifteen days before the election, a notice entitled "NOTICE OF ELECTION".

This notice shall include only:

(1) The election date and hours for voting, the ballot title and text and the measure by this ordinance submitted to the voters, and the office address and telephone number of the City Clerk;

(2) The estimated or actual total of the city fiscal year spending for the current fiscal year and each of the past four fiscal years, and the overall percentage and estimated dollar increase for the next fiscal year;

(3) An estimate of the maximum dollar amount of the revenue change and of city fiscal year spending without the revenue change for the next full fiscal year; and

(4) Two summaries, no more than five hundred words each, one for and one against the measure, of written comments filed with the city clerk no later than thirty days before the election. No summary shall mention names of

person or private groups, nor any endorsement of or resolutions against the measure. The City Clerk shall maintain on file and accurately summarize all relevant written comments.

SECTION 7. The notice of the election shall include the ballot title, as well as the full text of the measure.


SECTION 8. The officers of the city shall take all action necessary or appropriate to effectuate the provisions of this ordinance.

SECTION 9. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

PASSED this 26th day of August, 1996.


ADOPTED and APPROVED as amended this 5th day of September, 1996.

CITY OF LAS ANIMAS



By: William F. Howland, Mayor

ATTEST:

  
Leslie J. Uncel, City Clerk

COLORADO